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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/893,709 | 06/29/2001 | Lambert Danner | 016790-0430 | 5834 |

22428 7590 04/24/2003

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

SUGARMAN, SCOTT J

ART UNIT PAPER NUMBER

2873

DATE MAILED: 04/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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Paper No. 9

**OFFICE OF DIRECTOR
GROUP**

Foley & Lardner
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007

Applicant's Representative

In re Application of:
Danner *et al.*
Application No. 09/893,709
Filed: June 29, 2001
For: Spectral Ellipsometer Having a Refractive
Illuminating Optical System

NOTICE OF NON-ENTRY
OF PROTEST
UNDER 37 C.F.R. § 1.291

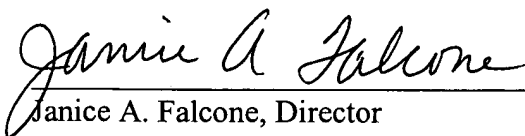
A public protest filed on October 7, 2002, under 37 C.F.R. § 1.291(a) in the above-identified application is before the Group Director for consideration.

The protest is untimely and will not be entered in the application file.

The above-identified application was published on February 28, 2002. 37 C.F.R. § 1.291(a) provides that a protest will be entered into the application file if the protest was filed prior to the date the application was published or the mailing of a notice of allowance under 37 C.F.R. § 1.311, whichever occurs first. In this case, the protest was filed after the date of publication of the application and in duplicate. Consequently, the protest will not be entered into the application file and the original protest papers are included herewith pursuant to the MPEP § 1901.06 section entitled "Protest Filed after Allowance or the Publication of the Application," item B. The duplicate copy of the protest has been discarded.

This decision will be made of record in the application file.

Inquiries regarding this decision should be directed to Ed Glick, Special Programs Examiner, at (703) 308-4858.


Janice A. Falcone, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

enclosure: original protest papers filed October 7, 2002.